

# HOUSE BILL REPORT

## SHB 2338

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### As Passed Legislature

**Title:** An act relating to anhydrous ammonia.

**Brief Description:** Prohibiting the department of ecology from listing anhydrous ammonia as a class B hazardous air pollutant until the federal government does.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler, Grant, Sheahan, McMorris, Mastin, Fuhrman, Chandler, Honeyford and Thompson).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 1/25/96, 1/29/96 [DPS].

**Floor Activity:**

Passed House: 2/6/96, 97-0.

Passed Legislature.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Murray; Ogden; Robertson; Rust and Schoesler.

**Staff:** Rick Anderson (786-7114).

**Background:** Ammonia is widely used by industry in a number of applications, including the manufacture of fertilizers.

Ammonia is regulated by federal law under both environmental and worker safety laws. Ammonia is not regulated as a toxic air pollutant under the federal Clean Air Act. Under the federal Clean Air Act, the Environmental Protection Agency is required to establish special provisions to regulate chemicals that are listed as toxic air pollutants. In general, facilities that emit toxic air pollutants must limit toxic emissions by installing pollution control technology. If the facility still exceeds established limits, the facility must undergo a review process to assess the risk posed by the toxic chemical and, if a threat exists, to identify ways to control emissions of

the toxic air pollutant further. The federal Clean Air Act specifically identifies 189 chemicals to be regulated as toxic air pollutants.

At the state level, the Department of Ecology has defined, by rule, the chemicals that are subject to toxic air pollutant requirements. These rules distinguish between Class A and Class B toxics. Class A toxics are chemicals known or suspected to be carcinogenic; Class B toxics are not considered carcinogenic. The department regulates more chemicals as toxic air pollutants than does the Environmental Protection Agency. The department has classified ammonia as a Class B toxic air pollutant and has assigned it a numeric threshold. Facilities that exceed this threshold are required to complete a detailed analysis identifying the risk posed by the toxic air pollutant and measures to control the pollutant. A facility exceeding the threshold may or may not be required to install pollution control technology. Any regulatory action taken by Ecology is based on the results of the detailed analysis.

**Summary of Bill:** The Department of Ecology is prohibited from regulating ammonia emissions that result from any non-production activity related to making or using ammonia as an agricultural or silvicultural fertilizer.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The manufacture of ammonia is important to the agricultural industry. The intent of this bill is not to provide a blanket regulatory exemption for ammonia, but rather to ensure that the agricultural industry is not unduly hampered from making or using ammonia based fertilizers.

**Testimony Against:** None.

**Testified:** Representative Mark Schoesler, prime sponsor; and Joe Williams, Department of Ecology.